

REMARKS

Status of the Application

Claims 1, 2, 7-16, 18 and 19 are pending in the application. Claims 3-6 and 17 have been canceled. Claims 1, 2, 7-9 and 11-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Matsui et al., US Publication 2003/0128273. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al, US Publication 2003/0128273, as applied to claims 1, 2, 7-9 and 11-19 above, and further in view of Aucsmith et al., US Patent 6,873,723 and Rashkovskiy et al., US Patent 6,563,536.

By this Amendment, Applicants are amending claims 1, 13 and 14, and adding new claims 20 and 21.

Claim Rejections -- 35 U.S.C. § 102

Claims 1, 2, 7-9 and 11-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Matsui et al., US Publication 2003/0128273.

Claim 1 recites, in part, “wherein the reducing a difference between noise components superposed on the pair of images comprises using a least-squares method, the least-squares method determining a minimum residual between an average data function plus a constant for the one of the pair of images and a data function at a particular pixel of one of the pair of images, and setting the particular pixel to have the value of the average data function plus the constant in the one of the pair of images.” The Examiner alleges that Matsui discloses each of the elements of claim 1. Applicants respectfully disagree.

During an Examiner Interview conducted September 4, 2008, the Examiner indicated that if elements specifically describing the noise removal process were added to claim 1, Matsui would no longer anticipate the claim 1, and claim 1 would be patentable over Matsui. Therefore,

Applicants hereby amend claim 1 to include a description of the noise removal process.

Applicants respectfully submit that claim 1 is thus patentable over Matsui. Claims 13 and 14 have been amended to recite elements similar to claim 1, and are patentable over Matsui for reasons analogous thereto. Claims 2, 7-9, 11, 12 and 15-19 are patentable at least by virtue of their respective dependencies.

Claim Rejections -- 35 U.S.C. § 103

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al., US Publication 2003/0128273, as applied to claims 1, 2, 7-9 and 11-19 above, and further in view of Aucsmith et al., US Patent 6,873,723 and Rashkovskiy et al., US Patent 6,563,536.

Claim 10 depends from claim 1, as amended. Because Matsui fails to disclose all of the elements of claim 1, and because Aucsmith and Rashkovskiy fail to cure the deficiency noted with respect to Matsui, claim 10 is patentable at least by virtue of its dependency from claim 10.

Further, during the interview of September 4, 2008, the Examiner conceded that neither Aucsmith nor Rashkovskiy would cure the deficiency noted in Matsui.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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